

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-8236-RMM

UNITED STATES OF AMERICA

v.

JAIRO DeLEON,

Defendant. /

FILED BY SP D.C.

May 9, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes ☒ No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes ☒ No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? Yes No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY: Rinku Tribuiani

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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

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v.

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2022 - May 9, 2023 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. 1546(a)

Fraud and misuse of visas, permits, and other documents

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

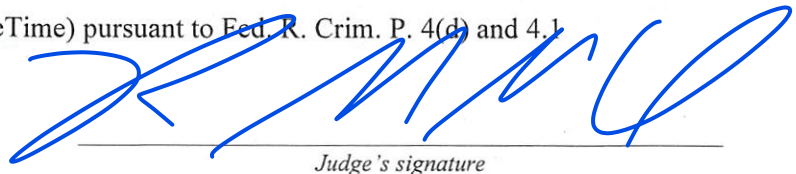
Special Agent Craig Nowicki, HSI

Printed name and title

Sworn and Attested to me by Applicant by Telephone (FaceTime) pursuant to Fed. R. Crim. P. 4(d) and 4.1

Date:

5/9/23


Judge's signature

City and state: West Palm Beach, FL

Ryon M. McCabe, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Craig Nowicki (the "Affiant"), being duly sworn, deposes and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) and have been so employed since October 2008. During that time, I have received training through the HSI training program at Glynco, Georgia, and I have conducted numerous investigations pertaining to the trafficking of narcotics within and into the United States. Before joining HSI, I was a special agent with the Coast Guard Investigative Service (CGIS) for approximately four years. Prior to CGIS, I was a special agent with the U.S. Secret Service for six years.

2. As a Special Agent with HSI, I have received extensive instruction in the investigation of the production and sale of false government documents. During my tenure with HSI, I have personally and significantly participated in approximately thirty investigations concerning violations of 18 U.S.C. § 1546(a), fraud and misuse of visas, permits, and other documents. From 2008 through 2011, I was assigned to the HSI Marine Smuggling Group on the Miami River, and subsequently the HSI Homestead Office during which I was actively involved in numerous investigations. I have conducted hundreds of hours of physical surveillance and have personally participated in approximately 20 arrests of individuals for violations related to fraud and misuse of visas, permits, and other documents.

3. I am currently involved in an investigation involving the production and sale of false documents by Jairo DeLEON and others, not yet identified. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, confidential sources, and witnesses. I note that this affidavit is submitted for the limited

purpose of establishing probable cause for the issuance of a criminal complaint. As a result, it does not purport to include every fact of the investigation known to me or law enforcement.

4. This affidavit is made in support of a criminal complaint for the arrest of Jairo DeLEON ("DeLEON").

5. Based on my training and experience, and the facts set forth in this affidavit below, I respectfully submit that there is probable cause to believe that DeLEON has engaged in illegal activities, to wit: fraud and misuse of visas, permits, and other documents, in violation of 18 U.S.C. § 1546(a).

PROBABLE CAUSE

6. In May 2022, a past-reliable source of information (SOI) with experience informing law enforcement of various types of criminal activity made contact with an individual who was later identified as Jairo DeLEON. Through a series of text messages and recorded conversations, DeLEON agreed to sell the SOI a set of false documents (one Permanent Resident Card and one Social Security Card) for \$150.00. The SOI told DeLEON that he¹ would contact DeLEON when he had the money.

7. On June 14, 2022, the SOI texted DeLEON to inform him that the SOI had \$150.00 to buy the documents. DeLEON replied with a text asking the SOI to provide the name, date of birth, country of origin, and a photograph, for the false documents. The SOI provided a fictitious name, Lucia Carolina Perez-Perez, a fictitious date of birth, October 28, 1995, a genuine photograph, and stated that Colombia was the nation of origin. DeLEON responded that the documents would be ready the following day.

¹ For ease of reference, the SOI is referred to using the masculine pronoun even though the SOI may be male or female.

8. On June 15, 2022, DeLEON texted the SOI that the documents were ready. The SOI replied that he would meet DeLEON later that day in West Palm Beach. Later that day, the SOI texted DeLEON asking him to meet at the Publix located on Rosemary Avenue in West Palm Beach. DeLEON replied that he could not meet at that location and asked the SOI to come to an address on Suwanee Drive, West Palm Beach. A query of this address revealed it to be a residence. The SOI told DeLEON that the SOI was not comfortable coming to a house. DeLEON then directed the SOI to meet him in the parking lot of Presidente supermarket, 4360 Okeechobee Blvd., West Palm Beach, Florida.

9. On the same date, after being searched for contraband with negative results, the SOI met DeLEON outside of their respective vehicles in the parking lot of Presidente supermarket. During the meeting, the SOI gave DeLEON \$150. DeLEON gave the SOI a set of false documents, to include a fraudulent Permanent Resident Card and a fraudulent Social Security Card bearing the information the SOI provided on June 14, 2022. The meeting was audio and video recorded. DeLEON told the SOI his name was Jairo. Up until this point, law enforcement was unaware of DeLEON's first or last name. DeLEON was observed arriving at the meeting in a white Toyota bearing Florida license plate IDF J50. A query of the Toyota's license plate revealed the registrant as J.T.V.A., XXXX Suwanee Drive, Apt. E, West Palm Beach, Florida. J.T.V.A.'s Facebook profile was identified, and it was discovered that she had a "Facebook Friend" named "Jairito Dleon." A search of the profile for Jairito DeLEON revealed he has two sisters who reside in Guatemala whose last names are DeLEON. The Permanent Resident cards were average in appearance compared to genuine Permanent Resident cards. The Social Security cards were below average in appearance as compared to genuine Social Security cards.

10. On July 8, 2022, the SOI texted DeLEON to ask how many sets of documents he could produce. DeLEON responded that he (DeLEON) could produce as many as the SOI needed.

11. On August 29, 2022, the SOI texted DeLEON four photographs of HSI special agents and one photograph of a cooperating source (CS) along with fictional names, dates of birth and a national origin for each individual. DeLEON confirmed receipt of the information and stated that the price remained \$150.00 per set of documents. DeLEON further stated that the documents would be available the following day.

12. On August 31, 2022, the SOI, after being searched for contraband with negative results, met DeLEON in the same Presidente supermarket parking lot as they did on June 15. The meeting was audio and video recorded. DeLEON arrived at the meeting in a blue Honda bearing a Florida License plate that appeared to read "JAIRITO." He and the SOI met outside of their respective vehicles. The SOI handed DeLEON \$750.00 of government generated funds and DeLEON handed the SOI five (5) sets of false documents, to include fraudulent Permanent Resident cards and fraudulent Social Security cards, bearing the information the SOI provided to him on August 29, 2022. A query of the license plate "JAIRITO" yielded negative results. The SOI was shown the Facebook profile picture for "Jairito Dleon" and confirmed that the male in the photograph is the same person from whom the SOI purchased the documents. The Permanent Resident cards were average in appearance compared to genuine Permanent Resident Cards. The Social Security Cards were below average in appearance as compared to genuine Social Security cards.

13. On November 18, 2022, the SOI texted DeLEON to ask if he would make documents for the SOI's friend. DeLEON replied in the affirmative and confirmed that the price remained \$150.00 per set of documents.

14. On January 21, 2023, an HSI confidential informant (CI) called DeLEON posing as the SIO's friend and asking for help obtaining documents. DeLEON told the CI to text him a photograph of himself along with his name, date of birth and country of origin.

15. On the same date, the CI texted DeLEON a fictitious name and date of birth and stated that Hungary was his nation of origin. The CI did not send a photograph at this time. DeLEON affirmed receipt of the information and told the CI that the documents cost \$150.00.

16. On January 25, 2023, the CI texted a photograph of himself to DeLEON. DeLEON did not respond.

17. On January 26, 2023, the CI texted DeLEON for an update and DeLEON responded that the documents would be ready the following morning.

18. On January 27, 2023, DeLEON texted the CI the address of his place of employment, La Gran Familia Market, 2565 Westgate Avenue, West Palm Beach, FL, for the CI to come pick up and pay for the documents. After being searched for contraband with negative results, the CI drove to the parking lot of Presidente supermarket in West Palm Beach while under surveillance by HSI. This is the same location where DeLEON met with the SOI to exchange cash for documents on two prior occasions. The CI requested that DeLEON come to Presidente, but DeLEON insisted he was unable to leave work and asked the CI to come to the address he previously provided. The CI responded to the area across the street from La Gran Familia and texted DeLEON asking him to come out and deliver the documents. DeLEON refused and told the CI to come into the market. The CI was instructed not to do so, and the operation concluded.

19. On February 28, 2023, the SOI texted DeLEON that his friend had given him the \$150.00 so that the SOI, who DeLEON already knew, could retrieve and pay for the

documents. The SOI asked DeLEON if they could meet on the morning of March 4, 2023 outside of the Gran Familia Market to complete the transaction. DeLEON agreed.

20. On March 4, 2023, the SOI and the CI, after being searched for contraband with negative results, drove to the parking lot of La Gran Familia with \$150.00 in government generated funds. Once in the parking lot, and while under surveillance by HSI, the SOI texted DeLEON that they were outside. DeLEON exited the front of the market and walked to the driver's side of the SOI's vehicle. He remained there for several seconds and then walked back into the market. The meeting was audio and video recorded. After the meeting with DeLEON, the SOI and the CI met with agents at a pre-determined location where the CI gave agents a false Social Security card and a false Permanent Resident card that were given to him by DeLEON. The documents reflected the information the CI texted to DeLEON on January 21, 2023 and the photograph the CI texted to DeLEON on January 25, 2023.

21. On April 25, 2023, the SOI contacted DeLEON to ask him if he could produce four more sets of documents. DeLEON replied in Spanish, "of course send me the information."

22. On May 6, 2023, the SOI texted DeLEON the photographs of two HSI special agents and one confidential informant along with a fictitious name, date of birth and national origin for each individual. DeLEON confirmed receipt of the information by replying that the documents would be ready by the following afternoon, May 7. The two arranged a meeting for May 9, 2023.

23. On May 9, 2023, at approximately 2:00 p.m., the SOI arrived in the parking lot of La Gran Familia. The SOI texted DeLEON to let him know that the SOI had arrived. DeLEON exited the store and walked towards the SOI's car. As he did, HSI agents, who were wearing agency insignia, approached DeLEON. DeLEON saw the marked agents and began to run. DeLEON ran through the parking lot back towards the store. Agents gave chase and caught

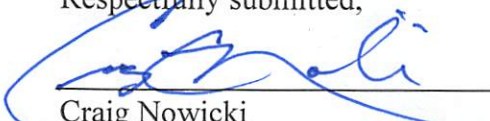
DeLEON before he entered the store. DeLEON had in his pocket a white envelope containing three fraudulent Social Security cards and three fraudulent Permanent Resident cards. The cards contained the fictitious names, dates of birth, and national origins that the SOI gave DeLEON on May 6, 2023.

CONCLUSION

24. Based on the aforementioned facts, your affiant submits that probable cause exists to charge Jairo DeLeon with fraud and misuse of Visa, Permits, and other documents, in violation of Title 18, United States Code, Section 1546(a).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,



Craig Nowicki
Special Agent
Homeland Security Investigations

via Facetime
Sworn to and attested to me telephonically in accordance with the requirements of Fed. R. Crim. Procedure 4.1, this 9 day of May 2023.



HONORABLE RYON M. McCABE
UNITED STATES MAGISTRATE JUDGE